

ORDINANCE NO. CO03.17.11.16.E1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CEDAR PARK CODE OF ORDINANCES, CHAPTER 14 SITE DEVELOPMENT, ARTICLE 14.07.005 RESIDENTIAL LANDSCAPE REQUIREMENTS AND ARTICLE 14.07.006 NONRESIDENTIAL, TOWN HOME, CONDOMINIUM, AND MULTIFAMILY LANDSCAPE REQUIREMENTS AND ARTICLE 14.07.007 FENCE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park ("City Council") desires to clarify certain land use definitions and associated zoning districts in which such services are permitted, throughout the City; and

WHEREAS, City Staff has determined that land use definitions for certain types of services were not defined in the Code of Ordinances; and

WHEREAS, the City posted proper notice and conducted public hearings in accordance with Texas Local Government Code Chapter 211; and

WHEREAS, Texas Local Government Code Chapter 211 authorizes the City to regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, the Cedar Park City Charter Section 2.04 authorizes the Council to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority vested in the cities by State statutes; and

WHEREAS, on October 17, 2017 the Planning and Zoning Commission voted to recommend approval of the proposed changes to Article 14.07.005, Article 14.07.006 and Article 14.07.007; and

WHEREAS, the City Council finds that the proposed amendments to Article 14.07.005, Article 14.07.006 and Article 14.07.007 of the Code are in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Chapter 14 Site Development of the Cedar Park Code of Ordinances be amended as provided in the attached Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

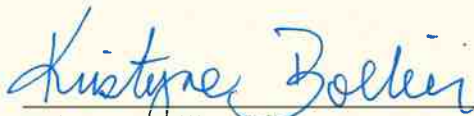
SECTION 5. This Ordinance shall be and remain in full force and effect from and after the date of approval.


READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 9th day of November, 2017 at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 16th day of November, 2017, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.


CITY OF CEDAR PARK, TEXAS

ATTEST:


Kristyne Bollier, Mayor Pro Tem


LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:


JP LeCompte, City Attorney



ORDINANCE NO. CO0317.11.16.E1

Exhibit A

Sec. 14.07.005 Residential landscape requirements

(a) Single-family detached including patio homes (new construction/installation only).

(1) Front yard (between the fence line and the front property line).

(A) All lawn areas shall be fully sodded or fully established;

(B) Areas reserved for bedding shall be covered with three (3) inches of shredded mulch.

(C) A minimum of two (2) shade (canopy) trees per lot shall be retained or planted from the preferred plant list. Shade trees shall be a minimum of 1-1/2" (one-and-one-half-inch) caliper.

(D) A minimum of three (3) five-gallon shrubs per lot and five (5) one-gallon shrubs shall be planted from the preferred plant list along the front of the house, a minimum of eighteen (18) inches from the foundation.

(E) Any ornamental trees planted shall be a minimum of five (5) gallon/container grown.

(F) All required plant materials shall be installed according to sound planting guidelines adequate to sustain vigorous and healthy growth. These may include, but not be limited to, methods used to:

(i) Protect and support tree trunks (guying, staking);

(ii) Provide adequate conditions for root growth (type of soil mix, planting hole depth and diameter, pruning for proper root/crown balance, etc.);

(iii) Provide for retention of moisture (mulching, berming, watering schedule, etc.); and

(iv) Protect plants from equipment damage (mulching and edging for shrub beds, sleeves for tree trunks, etc.).

(G) All landscaping shall be in place or fiscal surety posted prior to issuance of certificate of occupancy.

(2) Rear yard. A privacy fence shall be required to enclose the rear yard of all single family detached residences including patio homes and shall comply with Section 14.07.007(b), herein, as amended

(b) Two-family/duplex (new construction/installation only).

(3) Rear yard.

(A) The rear yard turf areas shall be fully sodded or seeded in a warm weather grass variety.

(B) A privacy fence shall be required to enclose the rear yard of all two-family dwellings (duplexes) and shall comply with Section 14.07.007(b), herein, as amended. Such fence shall be constructed a minimum of four (4) feet and not to exceed eight (8) feet in height and shall provide separate enclosures with gates for each unit. (C) All landscaping shall be in place or fiscal surety posted prior to issuance of certificate of occupancy.

Sec. 14.07.006 Nonresidential, town home, and multifamily landscape requirements

(b) Landscape requirements. For all nonresidential applications and all applications for town homes, amenity centers and multifamily residential projects in any district, the following minimum landscape requirements shall be provided:

(9) Buffer yard requirements.

Adjacent District (or Similar Use)	Zoning	Developing Project's Use District (or Similar Use)			
	R/A, ES, SF-1, SF-2, SF-3, PH, MH	TH, CD, MF, TO, TR	GO, LR, GB, LI, PS, MU	H, HC, BD, CS, LI, GI, HI	
R/A, ES, SF-1, SF-2, SF-3, PH, MH	buffer yard* none	buffer yard* 20'/fence	buffer yard* 20'/fence	buffer yard* 30'/fence	

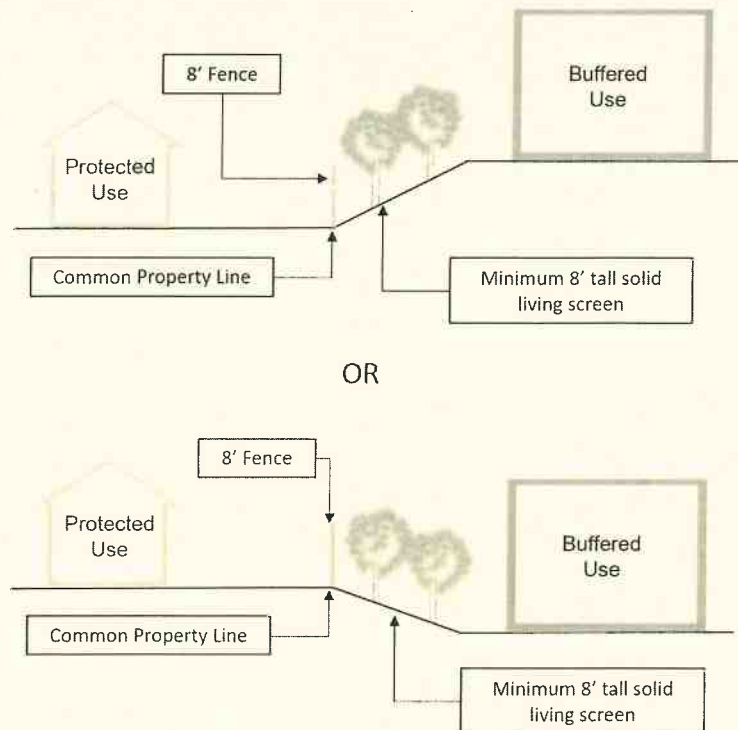
TH, CD, MF, TO, TR	buffer yard* none	buffer yard* none	buffer yard* 20'/fence	buffer yard* 30'/fence
GO, LR, GB, LI, PS, MU	buffer yard* none	buffer yard* none	buffer yard* none	buffer yard* 20'/fence
H, HC, BD, CS, LI, GI, HI	buffer yard* none	buffer yard* none	buffer yard* none'	buffer yard* none

* Refer to buffer yard descriptions below for full listing of requirements that apply.

The buffer yard requirements shall be the responsibility of the more intensive use. The first three levels of buffer yards shall consist of strips of landscaped open space according to the following standards:

(A) In level one, the minimum width requirement of the buffer yard shall be a minimum of thirty (30) feet.

(i) This buffer yard is intended to be used for landscaping only. A semiopaque screen shall be installed within the buffer yard which consists of a vegetation screen or a combination of vegetation screen and berms. If fencing is required pursuant to this Code, it shall be eight (8) feet in height and shall be placed on the common property line.

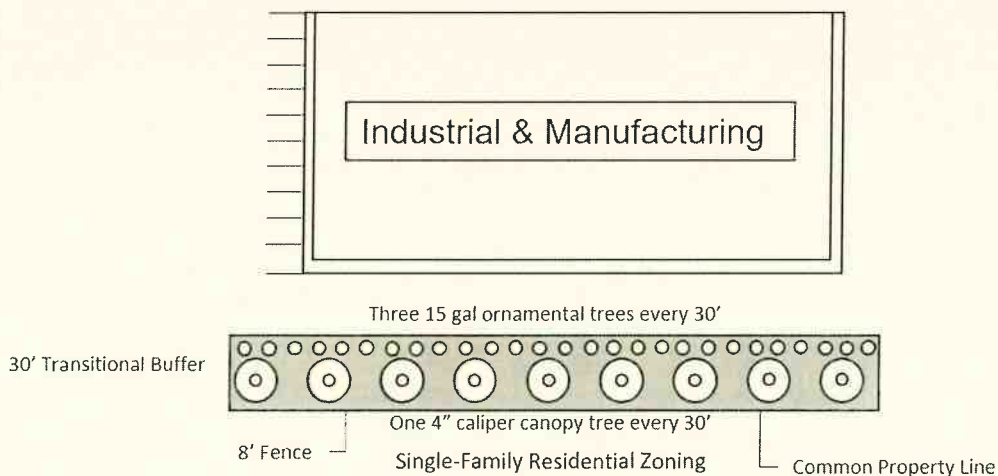


(ii) No light fixtures, parking, dumpsters, storage, recreation facilities, accessory buildings, or alleyways shall be permitted within this buffer yard. (iii) The following plantings are required in this buffer yard. Where similar vegetation already exists, such vegetation shall be credited toward this requirement, not to exceed a reduction in excess of one-half the requirements for new plantings:

One (1) 4-inch caliper canopy tree, three (3) 15 gallon evergreen ornamental trees, and four (4) 5-gallon shrubs with a mature height of six (6) feet for every thirty (30) linear feet of buffer yard. If the grade between the common property line and edge of the buffer yard exceeds three (3) feet, the planted canopy height shall be a minimum of eight (8) feet tall.

(iv) When a fence is required per the table of buffer yard requirements, the shrub planting requirement may be waived.

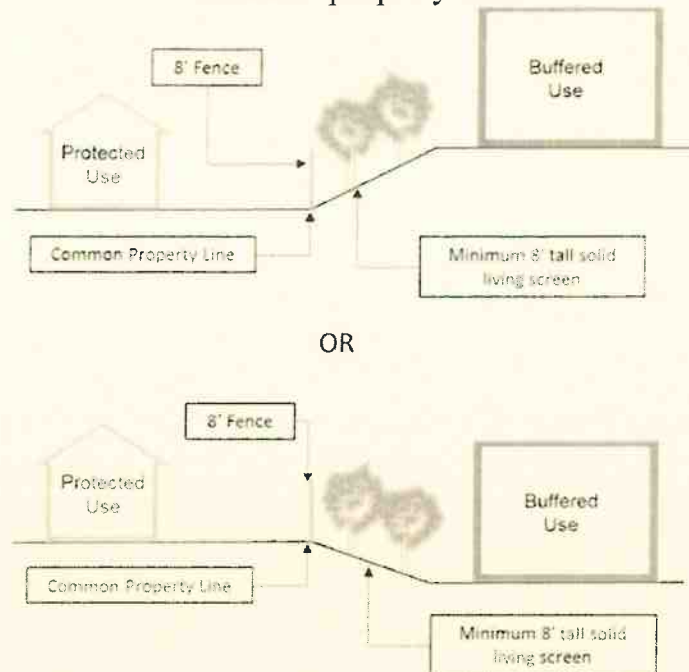
Level One Transitional Buffer



(B) In level two, the minimum width requirement of a buffer yard shall be a minimum of twenty (20) feet.

(i) This buffer yard is intended to be used for landscaping only. A semiopaque screen shall be installed within the buffer yard which consists of a vegetation screen or a combination of vegetation screen and berms. A security or optional privacy fence may be located on the exterior edge of the buffer yard only if the adjacent property triggering the buffer yard is also bounded by a

privacy fence. Fencing is not encouraged unless noted in the table of buffer yard requirements. If fencing is required pursuant to this Code, it shall be eight (8) feet in height and placed on the common property line.

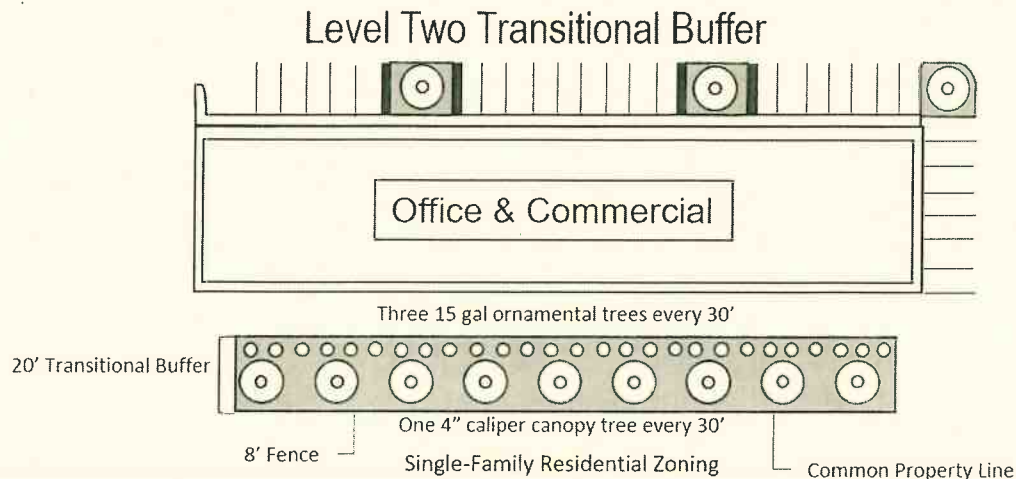


(ii) No light fixtures, parking, dumpsters, storage, recreation facilities, accessory buildings, or alleyways shall be permitted within this buffer yard.

(iii) The following plantings are required in this buffer yard. Where similar vegetation already exists, such vegetation shall be credited toward this requirement, not to exceed a reduction in excess of one-half ($1/2$) the requirements for new plantings:

One (1) 4"-caliper canopy tree, three (3) 15 gallon evergreen ornamental trees, and four (4) 5-gallon shrubs with a mature height of six (6) feet for every thirty (30) linear feet of buffer yard. If the grade between the common property line and edge of the buffer yard exceeds two (2) feet, the planted canopy height shall be a minimum of eight (8) feet tall.

(iv) When a fence is required per the table of buffer yard requirements, the shrub planting requirement may be waived.



(c) Subsection (b) landscape requirements, does not apply to the following:

- (1) Substantial restoration, which occurs within a period of twelve (12) months of an incident, that causes a building to be damaged by fire, explosion, flood, tornado, riot, act of the public enemy or accident of any kind.
- (2) Interior or facade maintenance or remodeling as long as the front and side exterior walls of the building remain in the same location.
- (3) Carports, canopies, and freestanding covers supported by columns.

(Ordinance CO41-07-07-12-3H adopted 7/12/07)

Sec. 14.07.007 Fencing regulations

(a) General regulations.

- (1) Fences shall not impede drainage.
- (2) No fence or other structure more than thirty (30) percent solid or more than three (3) feet height shall be located so that it impairs the sight distance triangle at the intersection of any rights-of-way.
- (3) Fences and walls must be maintained in a safe manner, plumb (vertical) to the ground. Fences or walls no longer maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise must be repaired, replaced, or demolished. Failure to maintain a fence or wall in accordance with this section constitutes a violation of this section, punishable pursuant to section 1.01.009.

(4) Prohibited fence types:

(A) Fences or walls constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock for agricultural purposes in RA districts or properties that have an agriculture exemption;

(B) Fences or walls carrying electrical current, except for the purpose of enclosing livestock for agricultural purposes in RA districts or properties that have an agriculture exemption;

(C) Fences or walls constructed of paper, cloth, canvas, or similar highly flammable material; and

(D) Fences or walls topped with barbed wire or razor wire, except as used by developments within industrial zoning districts, public institutions, or utilities for public safety or security purposes.

(5) Fence height is measured from the natural grade where the fence post is set to the highest edge of the post.

(6) All residential fences perpendicular to an existing subdivision wall shall meet the subdivision wall at the same height as the existing wall and may transition to a maximum of eight (8) feet in height.

(b) Residential fences.

(1) Fences located in the rear and side setback shall not exceed eight (8) feet in height and shall be constructed of wood, wrought iron, masonry or similar material, permanently affixed to the ground.

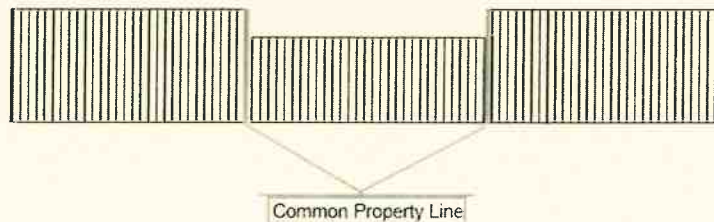
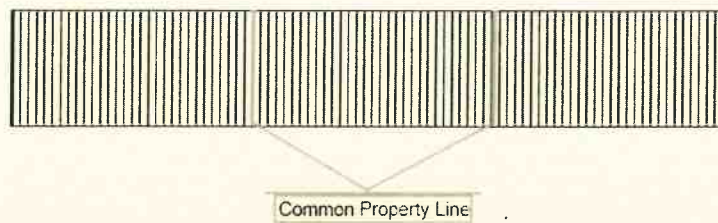
(2) Only fences less than or equal to three (3) feet in height shall be allowed in the front setback, except a fence may be allowed in the front setback that is less than or equal to six (6) feet in height if the residential lot is greater than 20,000 square feet. All fences in the front setback taller than three (3) feet shall be constructed of wrought iron or similar material

(3) For residential subdivisions located on or adjacent to a corridor overlay roadway, see also section 12.12.017 Subdivision Walls for additional fencing requirements.

(4) Fences required to enclose rear yards of two-family/duplexes residences shall be a minimum of four (4) feet and a maximum eight (8) feet in height and shall provide separate enclosures with gates for each unit.

(5) Fences to be located along a public right-of-way shall face the finished edge toward the public right-of-way.

(6) To create one consistent, horizontal and even plane, all fences shall be installed at the same height as fencing along adjacent common property lines, unless, to do so would require the installed fencing not to comply with the height restrictions set forth in this Section 14.07.007(b).



(c) Nonresidential fences.

(1) Unless otherwise required by this Article, fences shall be a minimum of six (6) feet and a maximum of eight (8) feet in height and shall be constructed of masonry materials such as brick, stone, or decorative reinforced concrete or similar two-sided masonry or other equivalent material approved by the director of planning. Fence posts shall be constructed of rust-resistant metal parts, concrete-based masonry or concrete pillars of sound structural integrity.

(2) Both sides of all fences shall be finished.

(3) Fencing requirements for projects located within the corridor overlay district:

(A) No fencing is allowed within the 25-foot front setback area from a designated roadway. For a list of designated roadways see section 11.02.278.

(B) Any fencing behind the 25-foot front setback shall be wrought iron or tubular steel, or alternative similar products may be approved by the director of planning with appeal to the planning and zoning commission.

(C) Chainlink fences shall only be used around detention ponds and/or water quality ponds. Chainlink fencing shall be black or green vinyl-coated, including posts, and must be buffered by planting five-gallon evergreen shrubs and vines that will, at maturity, screen at least thirty percent (30%) of the view of the fence.

(Ordinance CO48-12-04-12-C2 adopted 4/12/12)